

**SCHILLER LAW GROUP, P.C.**

675 THIRD AVENUE  
NEW YORK, NY 10017

212.768.8700 TEL  
866.326.1548 FAX

[WWW.SCHILLERLAWGROUP.COM](http://WWW.SCHILLERLAWGROUP.COM)

October 11, 2017

**VIA ECF**

Hon. Michael J. Roemer  
United States Magistrate Judge  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

**Re:** *Yu v. King Buffet In Springville, Inc., et al.*  
*Case No. 17-cv-656*

Dear Hon. Judge Roemer:

We represent Defendants King Buffet in Springville, Inc., 298 South Cascade Springville, Inc., Xiu Yan Zhang, Jinzhou Shi and Wen Juan Pan (collectively, "Defendants") and write to request to appear telephonically at the Parties' pretrial conference and motion hearing (Dkt. No. 14) currently scheduled for October 19, 2017 at 10:30 a.m.

Defendants' counsel is located in New York City, and the undersigned is currently the only attorney of the firm admitted to practice in the Western District of New York. Currently, the undersigned is scheduled to appear at the New York City Civil Court on October 18, 2017 at 2:00 p.m. for a matter related to Docket No. 16-cv-05316 currently pending in the Eastern District of New York (a true and correct copy of the appearance notice is appended hereto as Exhibit "A"), and is currently unable to procure substitute counsel. In light of the undersigned's obligations to appear in lower Manhattan on the afternoon prior to the Parties' upcoming conference and the attendant travel obligations related the undersigned's appearance at the pretrial conference and motion hearing, Defendants' respectfully request to appear telephonically in this matter.

We thank Your Honor in advance for your time and attention to this request.

Respectfully,

/s/Brian P. Fredericks

---

Brian P. Fredericks, Esq (bf@asfirm.com)

# EXHIBIT A

CIVIL COURT OF THE CITY OF NEW YORK  
County of New York  
Small Claims Part 47  
111 Centre Street  
New York, New York, 10013-4310



Index No: 70062, SCNY 2017 1

July 27, 2017 (11:23am)

To all named Defendants:

YINDI WEN  
150-40 71ST AVENUE, APT. 6F  
FLUSHING, NY, 11367-  
70062, SCNY 2017 1 18-Oct-2017

TAKE NOTICE that MOUTONDELL'ANNO LLP., 305 BROADWAY, 7TH FLOOR, NEW YORK, NY 10007-6446-706-7481 seeks judgment in this Court against you for \$4541.38 together with costs upon the following claim(s):  
**ACTION TO RECOVER MONIES ARISING OUT OF NONPAYMENT FOR LEGAL SERVICES RENDERED**  
Additional detail (if any):

There will be a Hearing before the Court on this claim on: 18-Oct-2017 at 2:00PM in the Small Claims Part 47, Room 775 at the New York County Civil Court located at: 111 Centre Street, New York, New York, 10013-4310

You **MUST** appear and present your defense and any counterclaim you may desire to assert at the Hearing at the time and place above set forth (a corporation must be represented by an attorney or any authorized officer, director or employee). If YOU DO NOT APPEAR IN PERSON OR BY AN ATTORNEY, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. If your defense or counterclaim, if any, is supported by witnesses, account books, receipts or other documents, you must produce them at the Hearing. The Clerk, if requested, will issue subpoenas for witnesses, without charge. However, there may be a fee to serve the subpoena.

**NOTE:** If you desire a jury trial, you must, before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the Clerk a jury fee of \$70 and file an undertaking in the sum of \$50 or deposit such sum in cash to secure the payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact which you desire to have tried by a jury and stating that such trial is desired and demanded in good faith. Under the law, the Court may award up to \$25, as additional costs to the Claimant if a jury trial is demanded by you and a decision is rendered against you.

If you wish to present a counterclaim against the Claimant, you must do so by filing with the Clerk of the Court a statement containing such counterclaim within five days of receiving this Notice of Claim. At the time of such filing you must pay the Clerk a filing fee of \$5 plus the cost of postage to send your counterclaim by first class mail to the Claimant. If you fail to file a counterclaim within this five-day period, you retain the right to file the counterclaim until the time of the Hearing, but the Claimant may request and obtain an adjournment of the Hearing to a later date. If you admit the claim, but desire time to pay, you must appear personally on the day set for the Hearing and state to the Court your reasons for desiring time to pay.

Please read the additional information on the back of this notice.

Dated July 27, 2017

Carol Alt, Chief Clerk

**REQUEST FOR ADJOURNMENT:**

Proceedings are normally scheduled in the evening unless special circumstances warrant that the clerk schedule the case for a daytime hearing. If the hearing is scheduled for the evening and this time would cause an unreasonable hardship for you, you or your representative should appear at the scheduled time and request that the action be re-scheduled for a daytime hearing. Only a judge can grant an adjournment. The clerk cannot grant any change in the scheduled date or time.

If this action is a commercial claim and is scheduled for a hearing during daytime hours, you may within fourteen (14) days of receipt of this Notice of Claim, contact the clerk to request a change of the hearing to the evening calendar.

CIV-96.55 (Rev. 8-11)

**NOTICE OF CLAIM AND SUMMONS TO APPEAR**

This is the start of a lawsuit. It should not be ignored. Your default may have serious consequences.